SINGLE BENCH 9

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH

W.P.No. 710 /2006

PETITIONER :

AUDHIYOGIK VIKASH MAZDOOR PRATHMIK SAHAKARI UPBHOKTA BHANDAR MARYADIT, MANDHAR, GRAM PANCHAYAT MAUHAGAON, BLOCK DHARSIWA, DISTT. RAIPUR (C.G.)

THROUGH ITS PRESIDENT SANTOSH UIKE, S/O CHETRAM UIKE, AGED ABOUT 31 YEARS, R/O MANDHAR, POST & TAHSIL DHARSIWA, DISTT. RAIPUR (C.G.)

P.R. No. 694/06
Presented by Shri J.K. Shukla
dated 10/2/06

VERSUS

RESPONDENTS :

1) **STATE OF CHHATTISGARH – THROUGH THE SECRETARY, DEPARTMENT OF FOOD PUBLIC DISTRIBUTION AND CONSUMER PROTECTION MANTRALAYA, D.K.S. BHAWAN, RAIPUR (C.G.)**

2) **THE COLLECTOR RAIPUR, DISTT. RAIPUR (C.G.)**

3) **THE SUB-DIVISIONAL OFFICER RAIPUR, DISTT. RAIPUR (C.G.)**

4) **THE FOOD INSPECTOR, DHARSIWA, DISTT. RAIPUR (C.G.)**

RECEIVED-COPY
10/2/06
CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

102

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP No. 710/06 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	14-02-2006 Shri P.Diwakar, learned Sr. Advocate with Shri P.R. Patankar, learned counsel for the petitioner. Notice re-rule. Shri Vinay Harit, learned Govt. Advocate takes notice for the State/respondents. With the consent of learned counsel for the parties, the petition was heard finally. Order passed separately. Signed and dated. Sd/- Chief Justice	

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8/2/06

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

Single Bench: Hon'ble Shri S.R. Nayak, CJ

W.P. No. 727 OF 2006

PETITIONER

Audhiyogik Vikash Mazdoor Prathmik Sahakari Upbhokta Bhandar Maryadit, Mandhar, Gram Panchayat Godhi, Block Dharsiwa, Distt. Raipur (C.G.)

Through its President Santosh Uike, S/o Chetram Uike, Aged about 31 years, R/o Mandhar, Post & Tahsil Dharsiwa, Distt. Raipur (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh - Through The Secretary, Department of Food Public Distribution and Consumer Protection Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. The Collector Raipur, Distt. Raipur (C.G.)
3. The Sub-Divisional Officer Raipur, Distt. Raipur (C.G.)
4. The Food Inspector, Dharsiwa, Distt. Raipur (C.G.)

W.P. No. 728 OF 2006

PETITIONER

Audhiyogik Vikash Mazdoor Prathmik Sahakari Upbhokta Bhandar Maryadit, Mandhar, Gram Panchayat Tore, Block Dharsiwa, Distt. Raipur (C.G.)

Through its President Santosh Uike, S/o Chetram Uike, Aged about 31 years, R/o Mandhar, Post & Tahsil Dharsiwa, Distt. Raipur (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh - Through The Secretary, Department of Food Public Distribution and Consumer Protection Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. The Collector Raipur, Distt. Raipur (C.G.)
3. The Sub-Divisional Officer Raipur, Distt.

Raipur (C.G.)

4. The Food Inspector, Dharsiwa, Distt. Raipur (C.G.)

W.P. No. 746 OF 2006

PETITIONER

Jai Maa Kali Prathmik Sahakari Upbhokta Bhandar Maryadit, Mana Basti, Gram Panchayat Dhaneli, Block Dharsiwa, Distt. Raipur (C.G.)

Through its President Tilak Das, S/o Giro Nayak, Aged about 30 years, R/o Mana Basti, Block Dharsiwa, Raipur (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh - Through The Secretary, Department of Food Public Distribution and Consumer Protection Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. The Collector Raipur, Distt. Raipur (C.G.)
3. The Sub-Divisional Officer Raipur, Distt. Raipur (C.G.)
4. The Food Inspector, Dharsiwa, Distt. Raipur (C.G.)

W.P. No. 747 OF 2006

PETITIONER

Jai Bajrang Audhiyogik Prathmik Sahakari Upbhokta Bhandar Maryadit, Chandinidih, Gram Panchayat Dumartarai, Block Dharsiwa, Distt. Raipur (C.G.)

Through its President Lalit Kumar, S/o Sriram Verma, Aged about 22 years, R/o. Chandinidih, Post & Tahsil Dharsiwa, Distt. Raipur (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh - Through The Secretary, Department of Food Public Distribution and Consumer Protection Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. The Collector Raipur, Distt. Raipur (C.G.)

3. The Sub-Divisional Officer Raipur, Distt. Raipur (C.G.)
4. The Food Inspector, Dharsiwa, Distt. Raipur (C.G.)

W.P. No. 748 OF 2006

PETITIONER

Balaji Prathmik Sahakari Upbhokta Bhandar Maryadit, Kapsada, Gram Panchayat Kapsada, Block Dharsiwa, Distt. Raipur (C.G.)

Through its President Sameer Khan, S/o Rashid Khan, Aged about 25 years, R/o. Kapsada Block Dharsiwa, Distt. Raipur (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh - Through The Secretary, Department of Food Public Distribution and Consumer Protection Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. The Collector Raipur, Distt. Raipur (C.G.)
3. The Sub-Divisional Officer Raipur, Distt. Raipur (C.G.)
4. The Food Inspector, Dharsiwa, Distt. Raipur (C.G.)

W.P. No. 750 OF 2006

PETITIONER

Mini Mata Prathmik Sahakari Upbhokta Bhandar Maryadit, Semaria, Gram Panchayat Pirda, Block Arang, Distt. Raipur (C.G.)

Through its President Veer Singh, S/o Tukaram, Aged about 31 years, R/o. Gram Panchayat Semaria, Block Arang, Distt. Raipur (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh - Through The Secretary, Department of Food Public Distribution and Consumer Protection Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. The Collector Raipur, Distt. Raipur (C.G.)
3. The Sub-Divisional Officer Raipur, Distt.

Raipur (C.G.)

W.P. No. 710 OF 2006

PETITIONER

Audhiyogik Vikash Mazdoor Prathmik Sahakari Upbhokta Bhandar Maryadit, Mandhar, Gram Panchayat Mauhagaon, Block Dharsiwa, Distt. Raipur (C.G.)

Through its President Santosh Uike, S/o Chetram Uike, Aged about 31 years, R/o. Mandhar, Post & Tahsil Dharsiwa, Distt. Raipur (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh - Through The Secretary, Department of Food Public Distribution and Consumer Protection Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. The Collector Raipur, Distt. Raipur (C.G.)
3. The Sub-Divisional Officer Raipur, Distt. Raipur (C.G.)
4. The Food Inspector, Dharsiwa, Distt. Raipur (C.G.)

W.P. No. 711 OF 2006

PETITIONER

Jai Maa Kali Prathmik Sahakari Upbhokta Bhandar Maryadit, Mana Basti, Gram Panchayat Mana Basti, Block Dharsiwa, Distt. Raipur (C.G.)

Through its President Tilak Das, S/o Giro Nayak, Aged about 30 years, R/o Mana Basti, Block Dharsiwa, Raipur (C.G.).

Versus

RESPONDENTS

1. State of Chhattisgarh - Through The Secretary, Department of Food Public Distribution and Consumer Protection Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. The Collector Raipur, Distt. Raipur (C.G.)
3. The Sub-Divisional Officer Raipur, Distt. Raipur (C.G.)
4. The Food Inspector, Dharsiwa, Distt. Raipur (C.G.)

W.P. No. 712 OF 2006

PETITIONER

Audhiyogik Vikash Mazdoor Prathmik Sahakari Upbhokta Bhandar Maryadit, Mandhar, Gram Panchayat Jarod, Block Dharsiwa, Distt. Raipur (C.G.)

Through its President Santosh Uike, S/o Chetram Uike, Aged about 31 years, R/o Mandhar Post & Tahsil Dharsiwa, Distt. Raipur (C.G.).

Versus

RESPONDENTS

1. State of Chhattisgarh - Through The Secretary, Department of Food Public Distribution and Consumer Protection Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. The Collector Raipur, Distt. Raipur (C.G.)
3. The Sub-Divisional Officer Raipur, Distt. Raipur (C.G.)
4. The Food Inspector, Dharsiwa, Distt. Raipur (C.G.)

W.P. No. 713 OF 2006

PETITIONER

Jai Bajrang Audhiyogik Prathmik Sahakari Upbhokta Bhandar Maryadit, Chandinidih, Gram Panchayat Datrenga, Block Dharsiwa, Distt. Raipur (C.G.)

Through its President Lalit Kumar, S/o Sriram Verma, Aged about 22 years, R/o Chandinidih, Post & Tahsil Dharsiwa, Distt. Raipur (C.G.).

Versus

RESPONDENTS

1. State of Chhattisgarh - Through The Secretary, Department of Food Public Distribution and Consumer Protection Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. The Collector Raipur, Distt. Raipur (C.G.)
3. The Sub-Divisional Officer Raipur, Distt. Raipur (C.G.)

4. The Food Inspector, Dharsiwa, Distt. Raipur (C.G.)

W.P. No. 714 OF 2006

PETITIONER

Audhiyogik Vikash Mazdoor Prathmik Sahakari Upbhokta Bhandar Maryadit, Mandhar, Gram Panchayat Dondekhurd, Block Dharsiwa, Distt. Raipur (C.G.)

Through its President Santosh Uike, S/o Chetram Uike, Aged about 31 years, R/o Mandhar, Post & Tahsil Dharsiwa, Distt. Raipur (C.G.).

Versus

RESPONDENTS

1. State of Chhattisgarh - Through The Secretary, Department of Food Public Distribution and Consumer Protection Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. The Collector Raipur, Distt. Raipur (C.G.)
3. The Sub-Divisional Officer Raipur, Distt. Raipur (C.G.)
4. The Food Inspector, Dharsiwa, Distt. Raipur (C.G.)

Present:

Mr. P. Diwakar, learned Sr. Advocate with Mr. P.R. Patankar, learned counsel for the petitioner.

Mr. Vinay Harit, learned Government Advocate, for the State/respondents.

ORAL ORDER

(Passed on 14th February 2006)

Since the complaints in all these writ petitions are substantially similar, all of them were clubbed, heard them together and they are being disposed of by this common order.

(2) Against the orders impugned in these writ petitions, an appeal lies under Clause-18 of the Public Distribution System (Control) Order, 2004, to the Collector under Clause 18 (1) of the Public Distribution System (Control) Order 2004.

(3) Having heard learned counsel for the parties, I am of the considered opinion that there is no justification for the petitioners to rush to this Court under Article 226 of the Constitution of India without exhausting alternative statutory remedies. In that view of the matter, I dismiss all these writ petitions, however, reserving liberty to the petitioners to workout their legal remedies by way of appeal before the jurisdictional Collector under Clause 18 (1) of the Public Distribution System (Control) Order, 2004. If such appeals are preferred by the petitioners within seven days from today, the jurisdictional Collector shall hear and dispose of those appeals within one month from the date of receipt of appeal, in accordance with law and after giving opportunity of hearing to the petitioners. In the meanwhile, the respondents are directed not to allot the shops in question to any third parties till the District Collector disposes of the appeals of the petitioners as directed above. It is made clear that this order shall not come in the way of the card-holders drawing the provisions from the shops allotted to them under the impugned orders in the meanwhile.

Sd/-
Chief Justice

Boojesh